

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1210 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 4-6-9-4 IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) The division has the
5 following powers and duties:
6 (1) The power to investigate any written consumer complaint
7 made by a nonmerchant arising from a transaction between a
8 merchant as defined in the Uniform Commercial Code and a
9 nonmerchant concerning sales, leases, assignments, awards by
10 chance, or other dispositions of goods, services, or repairs, and
11 intangibles to a person for purposes that are primarily personal,
12 familial, household, charitable, or agricultural, or a solicitation to
13 supply any of the above things. When a consumer trades in or
14 sells a motor vehicle to another consumer or nonconsumer, he
15 shall be deemed to be a nonconsumer and shall be subject to the
16 provisions of this chapter. The division shall have no jurisdiction
17 over matters concerning utilities subject to regulation by the
18 utility regulatory commission or by an agency of the United States
19 except that the provisions of subdivision (5) shall apply and
20 except as provided in IC 8-1-29.
21 (2) For complaints filed after August 31, 1984, the duty to
22 ascertain from the consumer whether the consumer consents to
23 public disclosure by the division of the filing of the complaint,
24 including the consumer's identity and telephone number, if any.

(3) The duty to notify the merchant of the nature of the complaint by written communication and request a written reply.

(4) Upon receipt of reply, the duty to act as mediator between the parties and attempt to resolve all complaints in a conciliatory manner. The director of the division and the attorney general have discretion whether to mediate complaints involving a de minimis amount of money.

(5) If no reply is received or if the parties are unable to resolve their differences, and no violation of federal or state statute or rule is indicated, the duty to provide the complainant with a copy of all correspondence relating to the matter.

(6) Whenever a violation of a state or federal law or administrative rule is indicated, the duty to forward to the appropriate state or federal agency a copy of the correspondence and request that the agency further investigate the complaint and report to the division upon the disposition of the complaint.

(7) The power to initiate and prosecute civil actions on behalf of the state whenever an agency to which a complaint has been forwarded fails to act upon the complaint within ten (10) working days after its referral, or whenever no state agency has jurisdiction over the subject matter of the complaint.

(b) All complaints and correspondence in the possession of the division under this chapter are confidential unless disclosure of a complaint or correspondence is:

(1) requested by the person who filed the complaint;

(2) consented to, in whole or in part, after August 31, 1984, by the person who filed the complaint;

(3) in furtherance of an investigation by a law enforcement agency; or

(4) necessary for the filing of an action by the attorney general under IC 24-5-0.5.

(c) Notwithstanding subsection (b), the division may publicly disclose information relating to the status of complaints under subsection (a)(3), (a)(4), (a)(5), (a)(6), and (a)(7).

(d) Except for a residential telephone number published in the most recent quarterly telephone sales solicitation listing by the division under IC 24-4.7-3 and except as provided in subsection (e), all consumer information provided for the purposes of registering for or maintaining the no telephone sales solicitation listing is confidential.

(e) The name, address, and telephone number of a registrant of the most recent quarterly no telephone sales solicitation listing may be released for journalistic purposes if the registrant consents to the release of information after June 30, 2007."

Renumber all SECTIONS consecutively.

(Reference is to HB 1210 as printed February 8, 2007.)

Representative Van Haaften